

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Valley Mining, LLC,
a Minnesota Limited Liability Company

Civil No. 06-3667 (JRT/FLN)

Plaintiff,

v.

**ORDER AND REPORT
AND RECOMMENDATION**

United States of America; ARC of Minnesota,
Limited Partnership; Gerald O. Christenson,
individually; Anita R. Christenson, individually,

Defendants.

Bruce Crawford for Defendant ARC.
Mary Bielefeld for Defendant United States.

THIS MATTER came before the undersigned United States Magistrate Judge on December 3, 2007, on United States' Motion for Sanctions Against ARC of Minnesota and Defendants Gerald and Anita Christenson [#58].

This is the Court's fourth order directing the Defendants to comply with discovery. Defendants Gerald and Anita Christenson have failed to respond to the Court's orders in any substantive fashion.

Based on all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that the United States' Motion for Sanctions Against ARC of Minnesota and Defendants Gerald and Anita Christenson [#58] is **GRANTED in part** and **DENIED in part** as follows:

1. To the extent that the United States seeks default judgment against ARC, the motion is **DENIED**.
2. To the extent the United States is entitled to receive other relief under Rule 37, the motion is

GRANTED. Defendant ARC shall pay the United States' attorney's fees and costs incurred in bringing this motion for sanctions, including but not limited to the time spent preparing the United States' Report on Discovery [#95] filed on January 14, 2008. Outstanding discovery, including depositions, must be completed on or before March 1, 2008. If discovery is not completed by this date, the court will consider granting default judgment against ARC, as requested by the United States in its motion. The United States shall submit a declaration detailing its costs and fees incurred in bringing this motion.

Based on all the files, records and proceedings herein, **IT IS HEREBY RECOMMENDED** that default judgment be entered against Gerald and Anita Christenson.

DATED: February 13, 2008

s/Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **March 7, 2008**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.